

Excerpts  
Planning Commission Minutes  
January 10, 2001

**Application No. UP-565-01, Miles C. and Mae H. Burcher:** Request for a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an approximately 760-square-foot accessory apartment in conjunction with a single-family detached dwelling located at 600 Patricks Creek Road and further identified as Assessor's Parcel No. 30-(9)-5.

Ms. Olivia Wilkinson, assisted by a brief video, presented a summary of the staff report contained in her memorandum to the Commission dated December 27, 2000, in which the staff recommended approval.

Ms. White inquired how the County could ensure habitation only by family members or guests of the occupants. Ms. Wilkinson said the proposed approving resolution contains a condition to prevent its rental and the County is somewhat reliant upon citizens to report noncompliance of that condition.

The Chair opened the public hearing.

**Mr. Miles Burcher**, 705 Patricks Creek, offered to answer questions about his application. The members had no questions at this time.

Hearing no others, the Chair closed the public hearing.

Mr. Shepperd inquired of the rationale for disallowing rental of an accessory apartment as long as owners are in compliance otherwise. Mr. Heavner said it would then become part of a two-family dwelling and would have a much broader effect County-wide. Mr. Shepperd requested that the matter be addressed in detail at a later date because he believed the prohibition against renting an accessory apartment could negatively affect the issue of being able to responsibly care for elderly parents.

Ms. White moved the adoption of Resolution PC01-01 to forward to the Board with a recommendation of approval. It carried unanimously, 6-0 (Mr. Simasek absent).

PC01-01

On motion of Mrs. White, which carried 6-0, the following resolution was adopted:

**A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE AN ACCESSORY APARTMENT IN CONJUNCTION WITH A SINGLE-FAMILY DETACHED DWELLING AT 600 PATRICKS CREEK ROAD**

WHEREAS, Mae H. Burcher and Miles C. Burcher have submitted Application No. UP-565-01 to request a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an accessory apartment in conjunction with a single-family detached dwelling on property located at 600 Patricks Creek Road and further identified as Assessor's Parcel No. 30-(9)-5; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10th day of January, 2001, that it does hereby transmit Application No. UP-565-01 to the York County Board of Supervisors with a recommendation of approval to issue a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, subject to the following conditions:

1. This use permit shall authorize an accessory apartment in conjunction with a single-family detached dwelling on property located at 600 Patricks Creek Road and further identified as Assessor's Parcel No. 30-(9)-5.
2. Building plans in substantial conformance with the preliminary floor plans and building renderings dated December 5, 2000, submitted by the applicant shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction activities on the site.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. The accessory apartment unit shall not contain in excess of 760 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

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